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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,639	07/11/2003	James Brian Vrotacoe	600.1282	4272
23280	7590	08/09/2005		
DAVIDSON, DAVIDSON & KAPPEL, LLC 485 SEVENTH AVENUE, 14TH FLOOR NEW YORK, NY 10018			EXAMINER EVANISKO, LESLIE J	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/617,639

Applicant(s)

VROTACOE ET AL.

Examiner

Leslie J. Evanisko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 21 and 24 is/are pending in the application.
- 4a) Of the above claim(s) 3 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5 and 7-14 is/are rejected.
- 7) ☒ Claim(s) 6 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Prosecution on the merits of this application is hereby reopened. An action on the merits follows below.

Applicant is advised that the Notice of Allowance mailed June 16, 2005 is vacated. If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.

Election/Restrictions

2. Applicant's election without traverse of Group I, Species IF shown in Figure 2D, claims 1, 2, 4-14, and 17 in the reply filed on June 3, 2004 is acknowledged.

3. Claim 3 has been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on June 3, 2004.

Applicant's argument presented on page 5 of the amendment dated May 23, 2005 has been considered. However, the Examiner still disagrees that the

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printing blanket recited in claim 1 is generic to some of the other embodiments, such as the embodiment shown in Figure 3A, as applicant suggests. Further the Examiner disagrees that the embodiment shown in non-elected Figure 3A includes a carrier sleeve having at least one axially convex surface or being rigid to maintain a tubular shape for the printing blanket as recited in claim 1.

With respect to claim 3, it is noted that claim 1 is drawn to a printing blanket per se, the printing blanket including a carrier sleeve layer having at least one axially convex surface. Thus, claim 1 is not necessarily a generic claim, since it is drawn to a printing blanket per se, wherein the carrier sleeve layer (by itself) has an axially convex surface. Claim 1, as written, is specifically applicable to the embodiments shown in Figures 2A-2G. Claim 3 then recites that the carrier sleeve is of uniform thickness. However, it is noted that paragraph [0010] in the specification states that when the carrier sleeve is of uniform thickness, the surface convexity is provided by the blanket cylinder or a shim (i.e., the embodiments shown in Figures 1A-1B and 3A-3B). Therefore, claim 3 appears to be drawn to a different invention/embodiment from that recited in claim 1, since a convex cylinder surface or a shim is additionally required to provide the convexity to the blanket. The blanket itself in the embodiments shown in Figures 1A-1B and 3A-3B does not have at least one axially convex surface. Therefore, since claim 3 is drawn to a non-elected invention/embodiment, claim 3 should also be canceled.

Accordingly, claim 3 remains withdrawn from consideration, as being drawn to a non-elected embodiment.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 4-5, 7-9, and 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Behnke et al. (US 5,863,367). Behnke et al. teach a printing blanket comprising a carrier sleeve layer (i.e., compressible layer 5 including thread 14, elastomeric matrix 15, and cells 16) having at least one axially convex surface (see Fig. 4), the carrier sleeve layer 5 being “rigid” to maintain a tubular shape for the printing blanket, and a print layer 9 disposed over the carrier sleeve layer. See, in particular, the embodiment shown in Figure 4 and described in column 6, lines 35 through column 7, line 3.

With respect to claim 2, note the carrier sleeve layer 5 is thicker in the axial middle than at the axial ends, as described in column 3, lines 43-47 and column 5, lines 22-26 and shown in Figures 2a-4.

With respect to claim 4, note the print layer 9 shown in Figures 2b and 4 in particular has a uniform thickness as described in column 6, lines 27-34.

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With respect to claim 5, note column 4, line 60 through column 5, line 6.

With respect to claim 7, note column 2, lines 55-60.

With respect to claims 8-9, note the printing blanket of Behnke et al. can be considered to include a "compressible" layer 7 and an "inextensible" layer 11, as broadly recited by applicant. Note that every material can broadly be considered to be "compressible" or "inextensible" to some extent.

With respect to claims 12-13, note the teaching of a lithographic web printing press including an image cylinder, blanket cylinder, and blanket as recited in column 1, lines 15-40, column 2, lines 55-60, and column 4, lines 31-34.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

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Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 10-11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Behnke et al. (US 5,863,367) in view of Fromson et al. (US 6,062,138). Behnke et al. teach a printing blanket and offset printing press as recited with the exception of providing any details regarding the specific number of axial image areas provided on the image cylinder or printing blanket. However, the provision of a plurality of image areas (such as, for example, two to four) on the printing blanket and image cylinder in a lithographic printing press is well known in the art, as exemplified by Fromson et al. in Figure 1 and column 2, lines 35-42. In view of this teaching, it would have been obvious to one of ordinary skill in the art to provide the image cylinder and printing blanket of Behnke et al. with at least three axial image areas as taught by Fromson et al. to allow for simultaneous printing of multiple images on a web.

Allowable Subject Matter

9. Claim 21 is allowed.

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10. Claims 6 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter:

With respect to claim 6 and 21, the prior art of record fails to teach or fairly suggest a printing blanket having all of the structure as recited, in combination with and particularly including, the outer surface of the print layer having a convex axial profile when the blanket is disposed on a blanket cylinder without pressure.

With respect to claim 24, the prior art of record fails to teach or fairly suggest a printing blanket having all of the structure as recited, in combination with and particularly including, the carrier sleeve layer including the at least one axially convex surface being made of fiberglass.

Response to Arguments

12. Applicant's arguments filed May 23, 2005 have been fully considered but they are not persuasive of any error in the above rejections. In particular, applicant argues that Behnke et al. does not teach a carrier sleeve layer that is rigid to maintain a tubular shape for the blanket. The Examiner disagrees with this argument and points out that rigid is a relative term. Each layer of the

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printing blanket of Behnke et al. will have rigidity to some extent. This rigidity functions to help maintain the tubular shape of the printing blanket. For example, when the blanket of Behnke et al. is mounted on the cylinder, it is maintained in a tubular shape, at least in part, by the rigidity of its members.

In view of the above reasoning, the Examiner is not persuaded of any error in the above rejections.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

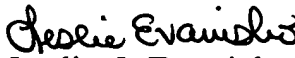
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(571) 272-2161**. The examiner can normally be reached on M-Th 7:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Leslie J. Evanisko
Primary Examiner
Art Unit 2854

lje
July 26, 2005